IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

CRL.A.No. 1118 of 2007

CC.798/1998 of JUDL.MAGISTRATE OF FIRST CLASS, KARUNAGAPPALLY

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APPELLANT: COMPLAINANT

N.BABU, S/O. NEELAMBARAN, AGED 35 YEARS,
KADATHUR, K.S.PURAM P.O., KARUNAGAPPALLY.

BY ADV. SRI.M.R.RAJENDRAN NAIR (SR.)
SRI.M.R.SUDHEENDRAN

RESPONDENTS: ACCUSED

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1. RASHEED KUNJU,
DARULSALEM VEEDU, IDAKKULANGARA, KARUNAGAPPALLY.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR MR. C.M. KAMMAPPU

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.1118 of 2007-A

DATED THIS THE 27th DAY OF JUNE 2007

JUDGMENT

The appellant is the complainant in C.C.No. 798/1998 in the file of the Judicial Magistrate of First Class, Karunagappally with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent as he could not reach the court in time.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 30-7-2007. The court below shall issue summons to the accused/respondent. The appeal is allowed.

Sd/-

K.R. UDAYABHANU, JUDGE

ks. TRUE COPY

K.R. UDAYABHANU,J.

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CRL.A.NO.1118 of 2007

JUDGMENT

27-6-2007

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